

REMARKS/ARGUMENTS

Claims 1-8, 10-13, and 15 are pending and under consideration. Claims 1, 8, 10-11, and 13-15 have been amended without prejudice. Support for the amendments can be found throughout the specification and in the original claims as filed. It is respectfully submitted that no new matter has been added by virtue of this amendment.

A. Rejection under 35 U.S.C. §112, second paragraph

In the Office Action, the Examiner rejected claims 9-10 and 13-15 under 35 U.S.C. §112, second paragraph, “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention”.

Claim 9

With respect to claim 9, the Examiner alleged that “Claim 9 does not further limit the scope of claim 1” and that “reciting an intended use in such a claim is given no material weight.”

Claim 9 has been cancelled without prejudice.

Claim 10

In the process claim (claim 10), the Examiner alleged that “the variables recited for the two reactants are reversed.”

Claim 10 has been amended without prejudice to reverse the variables recited for the two reactants.

Claims 13 and 14

The Examiner alleged that claims 13 and 14 are “of indeterminate scope” and that “[d]efining a disease by its underlying cause renders the scope of intended uses indeterminate. . .”

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Applicants traverse this rejection. It is respectfully submitted that one of ordinary skill in the art would understand which diseases would be caused by an excess of VLDL and LDL. However, solely for the purposes of expediting the allowance of the present application, Claim 13 has been amended without prejudice to include certain disorders. Further, Claim 14 has been cancelled without prejudice.

Claim 15

The Examiner alleged that claim 15 “lacks antecedent basis in claim 12 from which it depends.”

Claim 15 has been amended without prejudice to depend from Claim 13 rather than Claim 12.

Claim 11

Claim 11 was objected to “. . . for failing to further limit the subject matter of a previous claim.”

Claim 11 has been amended without prejudice no longer depend from Claim 1 and to be in independent form.

Claim 8

Claim 8 was objected to “. . . because a multiple dependent claim cannot refer back to different set of claims of different features.”

Claim 8 has been amended without prejudice to depend only from claim 1.

In view of the above, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 U.S.C. §112, second paragraph.

B. Rejection under 35 U.S.C. §112, first paragraph

In the Office Action, the examiner rejected claims 1-15 under 35 U.S.C. §112, first paragraph for lack of enablement.

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This rejection is traversed. It is respectfully submitted that the specification does enable one of ordinary skill in the art to make and use compounds of formula (I) as recited in the present claims. However, in order to expedite the allowance of the present application, Claim 1 has been amended to remove certain terms from formula (I) of claim 1. Applicant reserves the right to further prosecute claims directed to formula (I) including such removed terms in a continuation or divisional application.

In view of the above, it is respectfully requested that the Examiner withdraw the rejection of claims 1-15 under 35 U.S.C. §112, first paragraph.

Please charge any fees, which may be required for this submission to Johnson & Johnson Deposit Account 10-0750/PRD2192USNP/DK.

Early favorable action on the merits is respectfully requested.

Respectfully submitted,

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